

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

PATRICK CARUTHERS)

No. 3:12-cr-00133
Judge Campbell

Order
Approved

Todd
Campbell
U.S. District
Judge

8/13/14

AMENDMENT TO THE PLEA AGREEMENT

Agreements Relating to Sentencing

This Plea Agreement is governed, in part, by Federal Rule of Criminal Procedure 11(c)(1)(C). That is, the parties have agreed that the sentence imposed by the Court, taking into account the specific facts and circumstances of this case and the factors set forth in 18 U.S.C. § 3553(a), shall include a term of imprisonment of 68 months in the custody of the Bureau of Prisons. Other than the agreed term of incarceration the parties have agreed that the Court remains free to impose the sentence it deems appropriate. If the Court accepts and imposes the agreed term of incarceration set forth herein, defendant may not withdraw this plea as a matter of right under Federal Rule of Criminal Procedure 11(d). If, however, the Court refuses to impose the agreed term of incarceration, thereby rejecting the Plea Agreement, or otherwise refuses to accept defendant's plea of guilty, either party shall have the right to withdraw from this Plea Agreement.

Waiver of Appellate Rights

Regarding the issue of guilt, defendant hereby waives all (i) rights to appeal any issue bearing on the determination of whether he is guilty of the crime(s) to which he is agreeing to plead guilty; and (ii) trial rights that might have been available if he exercised his right to go to trial. Regarding sentencing, defendant is aware that 18 U.S.C. § 3742 generally affords a defendant the right to appeal the sentence imposed. Acknowledging this, defendant knowingly

waives the right to appeal any sentence that includes a term of imprisonment of 68 months as set forth in this Agreement. Defendant also knowingly waives the right to challenge the sentence imposed in any collateral attack, including, but not limited to, a motion brought pursuant to 28 U.S.C. § 2255 and/or § 2241, and/or 18 U.S.C. § 3582(c). However, no waiver of the right to appeal, or to challenge the adjudication of guilt or the sentence imposed in any collateral attack, shall apply to a claim of involuntariness, prosecutorial misconduct, or ineffective assistance of counsel. Likewise, the government waives the right to appeal any sentence that includes a term of imprisonment of 68 months as set forth in this Agreement.

Date: 8-13-14

Patrick Caruthers
Patrick Caruthers
Defendant

Date: 8/13/14

Caryll S. Alpert
Caryll S. Alpert
Assistant Federal Public Defender

Date: 8/13/14

Scarlett S. Nokes
Scarlett S. Nokes
Assistant United States Attorney